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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,442	06/01/2001	Joan Raventos	10012815-1	2088

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EXAMINER

SHAH, NILESH R

ART UNIT PAPER NUMBER

2195

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,442	Applicant(s) RAVENTOS, JOAN	
	Examiner Nilesh Shah	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-24 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1,2,4-24 and 27-31 are presented for examination.
2. In view of the appeal brief filed on 9/06/05 PROSECUTION IS HEREBY REOPENED.

New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1,2,4-24 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al (6,157,927) hereinafter Schaefer).
4. As per claim 1, Schaefer teaches a system for performing a desired functional service as a transaction utilizing one or more non-transactional resources, said system comprising:
one or more non-transactional resources (col. 2 lines 25-61; col. 8 lines 40-55; col. 3 lines 19-30);
at least one component that defines one or more tasks executable by at least one of said one or more non-transactional resources (col. 3 lines 18-40; col.9 lines 18-40); and
resource manager operable to control execution of said one or more tasks defined by said at least one component as a transaction for service (col. 8 lines 18-54; col. 10 lines 6-10).
5. As per claim 2, Schaefer teaches a system wherein said transaction includes performance of at least one of the services selected from the group consisting of web hosting service, ftp service, database service, software application service, Domain Name Service (DNS),

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directory service, monitoring service, managing service, monitoring Quality of Service (QoS), usage measurement service, and billing service (fig 1; col. 24 lines 1-30; col. 7 lines 10-33).

6. As per claim 3, Schaefer teaches a system wherein said transaction includes activation of a service (col. 8 lines 25-54).

7. As per claim 4, Schaefer teaches a system comprising:
a plurality of said non-transactional resources, wherein said non-transactional resources are distributed across different platforms (col. 3 lines 1-15; col. 9 lines 18-40; col. 2 lines 25-61; col. 8 lines 40-55).

8. As per claim 5, Schaefer teaches a system wherein said non-transactional resources are resources of an Internet Data Center (col. 7 lines 20-44; col. 8 lines 35-50).

As per claim 6, Schaefer teaches a system wherein said resource manager provides a proxy implementing a transactional protocol for said non-transaction resources (col. 3 lines 1-15; col. 9 lines 18-40; col. 2 lines 25-61; col. 8 lines 40-55).

9. As per claim 7, Schaefer teaches a system wherein said transactional protocol is X/open XA protocol (col. 7 lines 9-40; col. 12 lines 48-60).

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10. As per claim 8, Schaefer teaches a system wherein said at least one component is a plugin (col. 8 lines 18-54; col. 10 lines 6-10; col. 12 lines 16-26).
11. As per claim 9, Schaefer teaches a system wherein said resource manager is communicatively coupled to a message bus (col. 8 lines 18-54; col. 10 lines 6-10).
12. As per claim 10, Schaefer teaches a system wherein said message bus is an EAI bus (col. 6 lines 26-35).
13. As per claim 11, Schaefer teaches a system wherein said resource manager is multi-threaded (col. 13 lines 48-67; col. 14 lines 10-17).
14. As per claim 12, Schaefer teaches a system wherein said resource manager represents said transaction as an object (col. 3 lines 1-15; col. 9 lines 18-40).
15. As per claim 13, Schaefer teaches a system wherein said resource maintains a log of the state of said object (abstract; col. 2 lines 5-22).
16. As per claim 14, Schaefer teaches a system wherein said resource manager is operable in a plurality of different operational modes, which are definable by said at least one component (col. 3 lines 1-15; col. 9 lines 18-40; col. 2 lines 25-61; col. 8 lines 40-55).

17. Claim 15 is rejected based on the same rejection for claim 1 above.
18. As per claim 16, Schaefer teaches a method wherein further comprising the step of:
client application requesting said functional service (col. 6 lines 26-35).
19. As per claim 17, Schaefer teaches a method wherein further comprising the step of:
message bus communicatively coupled to said client application receiving said request
for said functional service and redirecting said request to one or more proper resource
adapters (col. 6 lines 26-35).
20. As per claim 18, Schaefer teaches a method comprising:
a plurality of said non-transactional resources, wherein said non-transactional resources
are distributed across different platforms (col.9 lines 18-40; col. 2 lines 25-61; col. 8 lines
40-55); and
resource manager operable to control execution of said one or more tasks defined by said
at least one component as a transaction (col. 8 lines 18-54; col. 10 lines 6-10).
21. As per claim 19, Schaefer teaches a method wherein said resource manager interacts with
a transaction manager via transactional protocol (col. 3 lines 1-15; col.9 lines 18-40; col.
2 lines 25-61; col. 8 lines 40-55).
22. As per claim 20, Schaefer teaches a method further comprising:

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said resource manager invoking tasks at said at least one component according to a transactional protocol (col. 8 lines 18-54; col. 10 lines 6-10).

23. As per claim 21, Schaefer teaches a method wherein said transactional protocol is X/open XA protocol (col. 7 lines 9-40; col. 12 lines 48-60).

24. As per claim 22, Schaefer teaches a method wherein said at least one component is a plugin component (col. 8 lines 18-54; col. 10 lines 6-10; col. 12 lines 16-26).

25. As per claim 23, Schaefer teaches a code for receiving a request for performance of a plurality of tasks (col. 3 lines 1-15; col. 9 lines 18-40);
code for controlling one or more non-transactional resources to perform said plurality of tasks as a transaction wherein said code for controlling one or more non-transactional resources includes code for invoking performance of a task by said one or more non-transactional resources. and wherein said code for invoking performance of a task includes code for calling a function defined by a plugin component that is communicatively coupled to said one or more non-transactional resources (col. 3 lines 1-15; col. 9 lines 18-40; col. 2 lines 25-61; col. 8 lines 40-55).

26. As per claim 24, Schaefer teaches a resource manager further comprising:
code for representing said transaction as an object (col. 8 lines 18-54; col. 10 lines 6-10).

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27. Claims 27-28 are rejected based on the same rejections as claims 1-2 above.

28. Claims 29-31 are rejected based on the same rejections as claims 1-2 above.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freund et al (5,923,833) teaches the use of different type of transactions being restarted. Leaf (5,754,772) teaches the use of transactions that are independent of certain gateways. Gilles et al (5,561,797) teaches the use of synchronizing different transactions. Schrab et al (6,272,675) teaches the use of transactions across multiple platforms.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesch Shah whose telephone number is (571)272-3771. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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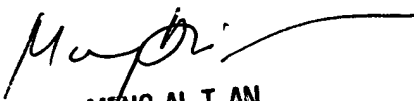
Nilesh Shah

Examiner

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NS

November 7, 2005


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